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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,698	11/11/2002	Rush W. Hood JR.	123921	2345
23413	7590	11/29/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			NATNITHADHA, NAVIN	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/065,698	Applicant(s) HOOD, RUSH W.	
	Examiner Navin Natnithithadha	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1112002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 2, filed July 29, 2004, with respect to the Restriction Requirement have been fully considered and are persuasive. The Restriction Requirement of July 1, 2004 has been withdrawn.

Claims 1-20 are now pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In line 7, "monitoring" appears to be a typographical error and should be amended to - - monitor - -. Appropriate correction is required.

3. Claims 13-16 are objected to because of the following informalities:

"actuating a manual deflation valve" should be amended to - - actuating said manual deflation valve - - in order to show that these manual deflation valves referring to the manual deflation valve of claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Uemura et al, US 4,262,674 A.

In regards to claim 1, Uemura teaches a non-invasive blood pressure monitoring (sphygmomanometer) system (see fig. 1), comprising: a blood pressure monitor (pressure transducer) 105; a cuff 101 pneumatically connected to the monitor 105; a deflation (air bleed and quick release) valve 116 and 106 connected intermediate the monitor 105 and cuff 101; and a controller (driving circuits) 109 and 110 for controlling the blood pressure monitoring. Uemura's blood pressure monitoring system is automatic because the monitoring is done electronically using the driving circuits 109 and 110.

As to claims 2 and 3, Uemura teaches a manually operated deflation valves 116 and 106 (see col. 5, lines 2-4) and pneumatic hoses (not labeled) connecting the deflation valve 106/116, monitor 105, and cuff 101 (see fig. 1).

As to claim 10, Uemura teaches an automatic blood pressure monitor (complete circuitry 105, 109, and 110) comprising the monitor 105 and the controller 109 and 110 (see fig. 1).

5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Affeldt et al, US 4,112,929 A.

In regards to claim 11, Affedt teaches a method for automatic non-invasive blood pressure monitoring of a patient, comprising: administering the blood pressure cuff to a patient (see col. 1, lines 10-12); automatically monitoring the blood pressure of the

patient (see col. 3, lines 64-68); and actuating the deflation (outlet) valve 43 to completely exhaust the cuff after completion of the blood pressure measurement (see col. 3, lines 12-15). The step of actuating the deflation valve 43 *after* completion of the blood pressure measurement is also interpreted to be the step of actuating the deflation valve to deflate a blood pressure cuff *prior* to administering the blood pressure cuff to next patient. It is inherent that Affedt device would be used again after the conclusion of a blood pressure measurement.

As to claim 12, Affedt teaches actuating a manual deflation valve 43 (see col. 3, line 13).

6. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda, US 4,200,259 A.

In regards to claim 17, Ueda teaches a deflation valve structure (see figs. 1 and 2) comprising: a valve body 1; a port (connector) 3 at a first end; a port (connector) 4 at a second end; and an air channel (air passage) 2 intermediate the two port, wherein the channel 2 comprises a sealable exhaust port (exhaust holes) 11. Ueda also teaches a cuff hose (tube) 5 attached to port 3. The applicant's claim of having a "monitor hose" port is not patentably distinct from the valve structure of Ueda. The port 4 of Ueda's structure is capable of attaching a monitor hose to it. In addition, Ueda's valve structure and the applicant's valve structure have the same function of deflating pressure for a blood pressure measuring instrument. Therefore, the applicant's claim is not novel over Ueda.

As to claims 18-20, Ueda teaches the valve body 1 further comprises: an actuator assembly, comprising a push-button actuator 12, a seal carrier/link (stem attaching item 12 to item 15 in fig. 1); an exhaust port seal (plug shaped valve member) 15; a bias spring (stopping spring) 19; and the sealable exhaust port 15 being sealed when the actuator assembly is biased in a first direction and unsealed when the actuator assembly is biased in a second direction (see col. 3, lines 8-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura et al, US 4,262,674 A, as applied to claim 3 above, and further in view of Ueda, US 4,200,259 A.

As to claims 4-9, Uemura does not teach the claimed subject matter. However, Ueda teaches this subject matter as discussed above for claims 17-20. It would have been obvious for one of ordinary skill in the art to modify Uemura's air box comprising the deflation valves 106 and 116 to a Ueda's deflation valve structure in order to provide a valve that is easy to operate manually.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Affeldt et al, US 4,112,929 A as applied to claim 12 above, and further in view of Uemura et al, US 4,262,674 A.

As to claim 12, Affedt does not teach the step of actuating a manual deflation valve located intermediate the automatic blood pressure monitor and the blood pressure cuff. However, it is well known in the prior art to place a manual deflation valve intermediate the monitor and the cuff. For example, Uemura teaches an air bleed valve 106 and/or a quick release valve 116 for discharging air pneumatically intermediate of cuff 101 and monitor (pressure sensor) 105 (see fig. 1).

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Affeldt et al, US 4,112,929 A, in view of Uemura et al, US 4,262,674 A, as applied to claim 13 above, and further in view of Ueda, US 4,200,259 A.

As to claims 14 and 15, Affedt and Uemura do not teach the steps as claimed. However, Ueda teaches actuating a manual deflation valve having a bias (stopping) spring 19 for biasing an exhaust port seal (plug shaped valve member) 15 in a first direction, and actuating the manual deflation valve in a second direction in opposition to the bias spring for deflating the blood pressure cuff (see fig. 1 and col. 3, lines 8-23). It would have been obvious at the time the invention was made to use Ueda's manual deflation valve in order to properly and efficiently deflate a blood pressure cuff.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Affeldt et al, US 4,112,929 A as applied to claim 12 above, and further in view of Ueda, US 4,200,259 A.

As to claim 16, Affeldt does not teach the claimed subject matter. However, Ueda teaches actuating a manual deflation valve in a first direction to prevent deflation of the blood pressure cuff and actuating the manual deflation valve in a second direction to promote deflation of the blood pressure cuff by using a stopping spring 19 (see fig. 1 and col. 3, lines 8-23).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

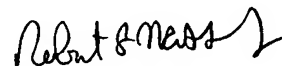
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navin Natnithithadha
Patent Examiner
GAU 3736
November 19, 2004



ROBERT L. NASSER
PRIMARY EXAMINER